

## **IC 22-10-11**

### **Chapter 11. Miscellaneous Mining Provisions**

#### **IC 22-10-11-1**

##### **Maps; posting**

Sec. 1. An accurate map of the mine prepared in accordance with IC 22-10-2-1 shall be posted in a place accessible to employees. Such map shall be brought up to date at least every twelve (12) months.  
*(Formerly: Acts 1955, c.168, s.84.) As amended by Acts 1979, P.L.231, SEC.22.*

#### **IC 22-10-11-2**

##### **Oil and gas wells; drilling and sealing**

Sec. 2. The drilling and sealing of oil and gas wells penetrating coal beds or underground workings of mines shall be done in compliance with Indiana Statutes.  
*(Formerly: Acts 1955, c.168, s.85.)*

#### **IC 22-10-11-3**

##### **Abandoned or adjacent mine; bore holes; dangerous accumulations of water and gas**

Sec. 3. Whenever any working place in an underground mine approaches within 50 feet of abandoned workings in such mine as shown by surveys made and certified by a competent engineer or surveyor, or within 200 feet of any other abandoned workings of such mine, which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least 20 feet in advance of the face of such working place. Such boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into such workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of such working place to a distance of at least 20 feet and at an angle of 45 degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.  
*(Formerly: Acts 1955, c.168, s.86.)*

#### **IC 22-10-11-4**

##### **Surface openings; escape shafts; escapeways; escape facilities; criteria for approval; examination; good housekeeping**

Sec. 4. (A) Every underground mine shall have at least two (2) separate surface openings except as provided for in subsections (E) and (F) of this section.

(B) The distance between shafts at any mine opened after March 8, 1955, shall be not less than one hundred fifty (150) feet, and the distance between drift or slope openings at such mines shall be not less than fifty (50) feet.

(C) New shafts and partitions therein, made after March 8, 1955, shall be fireproof; however, buntons and guides may be of wood.

(D) Mine openings shall have adequate protection against surface fires, fumes, smoke, and water from floods entering the mine.

(E) Not more than twenty (20) persons shall be allowed at any one time in any mine until a connection has been made between the two (2) mine openings, and such work shall be prosecuted with reasonable diligence.

(F) When only one (1) main opening is available, owing to final mining of pillars, not more than twenty (20) persons shall be allowed in such mine at any one time; however, the distance between the mine openings and workings shall not exceed five hundred (500) feet.

(G) Except as provided in subsection (F), at least two (2) separate and distinct travelable passageways, to be designated as escapeways, shall be maintained to insure passage at all times for any person, including disabled persons, from each working section continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked. At least one (1) of the escapeways shall be ventilated with intake air.

Mine openings shall be adequately protected to prevent the entrance into the underground area of the mine of surface fires, fumes, smoke, and floodwater. Escape facilities approved by the director or his authorized representative, properly maintained and frequently tested, shall be present at or in each escape shaft or slope to allow all persons, including disabled persons, to escape quickly to the surface in the event of an emergency.

(H) The director shall be guided by the following criteria for approving escapeways and escape facilities. Escapeways and escape facilities that do not meet these criteria may be approved providing the operator can satisfy the director that such escapeways and facilities will enable miners to escape quickly to the surface in the event of an emergency.

(1) Except in situations where the height of the coalbed is less than five (5) feet, escapeways should be maintained at a height of at least five (5) feet (excluding necessary roof support) and the travelway in such escapeway should be maintained at a width of at least six (6) feet. In those situations where the height of the coalbed is less than five (5) feet, the escapeway should be maintained to the height of the coalbed (excluding any necessary roof support) and the travelway in such escapeways should be maintained at a width of at least six (6) feet.

(2) Each escape shaft which is more than twenty (20) feet deep shall include elevators, hoists, cranes, or other such equipment which shall be equipped with cages and buckets. When such facilities are not automatically operated, an attendant shall be on duty during any coal-producing or maintenance shift. An "attendant", as used in this subsection, means a person who is located on the surface in a position where it is possible to hear or see a signal calling for the use of such facilities and who is readily available to operate such facilities or to readily obtain

another person to operate such facilities.

(3) Stairways shall be installed in all escape shafts which are twenty (20) feet or less in depth; however, in shafts five (5) feet or less in depth, ladders may be substituted for stairways. Stairways and ladders shall be installed and maintained as follows:

(i) Stairways shall be of substantial construction, set on an angle not greater than forty-five degrees (45°) with the horizontal and equipped on the open side with suitable handrails. Where landing platforms are necessary, they shall be at least two (2) feet wide and four (4) feet long and properly railed.

(ii) Ladders shall be anchored securely, set on an angle of not more than sixty degrees (60 degrees) and be substantially constructed and maintained in good condition.

(I) In mines and working sections opened after August 31, 1979, all travelable passageways designated as escapeways in accordance with subsection (G) shall be located to follow, as approved by an authorized representative of the director, the safest direct practical route to the nearest mine opening suitable for the safe evacuation of miners. Escapeways from working sections may be located through existing entries, rooms, or crosscuts.

(J) In mines and working sections in existence before September 1, 1979, all travelable passageways designated as escapeways in accordance with subsection (G) shall, no later than March 1, 1980, be located to follow, as approved by an authorized representative of the director, the safest, direct practical route to the nearest mine opening suitable for the safe evacuation of miners. Escapeways from working sections may be located through existing entries, rooms, and crosscuts.

(K) All escapeways shall be examined in their entirety at least once each week by a certified person. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any miner other than the certified person returns to the mine. The phrase "once each week" shall mean at intervals not exceeding seven (7) days.

(L) The certified person making such examination shall place his initials, the date, and time at various locations along the passageways and, if any hazardous conditions are found, such conditions shall be reported promptly to the operator. The results of the examinations shall be recorded in a book kept at the bathhouse and open to examination by all employees and interested persons relating to the examination of emergency escapeways. Any hazardous conditions observed shall be corrected immediately.

(M) A map of the mine, showing the main escape system, shall be posted at a location where all miners can acquaint themselves with the main escape system. A map, showing the designated escapeways from the working section to the main escape system, shall be posted in each working section, in order that the miners in the section can acquaint themselves with the designated escapeways from the section

to the main escape systems. All maps shall be kept up to date, and changes in routes of travel, location of doors, or direction of airflow shall be promptly shown on the maps when the changes are made and shall be promptly brought to the attention of all miners.

(N) Good housekeeping shall be practiced underground.  
*(Formerly: Acts 1955, c.168, s.87.) As amended by Acts 1979, P.L.231, SEC.23.*

#### **IC 22-10-11-5**

##### **Underground mines; electric lights**

Sec. 5. (A) Persons in underground mines may use only permissible electric lamps for portable illumination.

(B) Light bulbs on extension cables shall be guarded adequately.  
*(Formerly: Acts 1955, c.168, s.88.) As amended by Acts 1979, P.L.231, SEC.24.*

#### **IC 22-10-11-6**

##### **Check-in and check-out system**

Sec. 6. Each mine shall have a check-in and check-out system that will provide positive identification upon the person of every individual underground. An accurate record of the men in the mine, which shall consist of a written record, or a check board, shall be kept on the surface in a place that will not be affected in the event of an explosion. Said record shall bear a number identical to the identification check carried by the person underground.  
*(Formerly: Acts 1955, c.168, s.89.)*

#### **IC 22-10-11-7**

##### **Underground mines; smoking; arc, spark, or open flame**

Sec. 7. (A) Smoking is not permitted in underground mines and no person may carry smoking materials, matches, or lighters underground.

(B) The intentional creation of any arc, spark, or open flame, except as provided in IC 22-10-10-15(H) is prohibited in all mines.  
*(Formerly: Acts 1955, c.168, s.90.) As amended by Acts 1979, P.L.231, SEC.25.*

#### **IC 22-10-11-8**

##### **Protective clothing; goggles; respiratory equipment**

Sec. 8. (A) All persons must wear protective hats while underground and also while on the surface in all working areas.

(B) Protective footwear must be worn by employees, officials, and others while on duty in and around mine property.

(C) All employees inside or outside of mines shall wear approved-type goggles or shields where there is a hazard from flying particles.

(D) Welders and helpers shall use proper shields or goggles to protect their eyes.

(E) All employees shall wear snug-fitting clothing while on duty in or around mine property.

(F) Protective gloves shall be worn when material which may injure the hands is handled, but gloves with gauntlet cuffs may not be worn around moving equipment. Only suitable gloves may be used while handling rotating steel drills.

(G) Men exposed for short periods to dust-inhalation and mist-inhalation hazards shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect workmen or to reduce the hazard shall be taken.

*(Formerly: Acts 1955, c.168, s.91.) As amended by Acts 1979, P.L.231, SEC.26.*

#### **IC 22-10-11-9**

##### **Unsafe condition; reports**

Sec. 9. Any employee of a mine who discovers a condition that is unsafe for other employees in the immediate area and at the mine shall immediately report such unsafe condition to his immediate supervisor.

*(Formerly: Acts 1955, c.168, s.92.) As amended by Acts 1979, P.L.231, SEC.27.*

#### **IC 22-10-11-10**

##### **First aid equipment; prompt medical attention**

Sec. 10. (A) Each mine shall have an adequate supply of first-aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. The first-aid supplies shall be encased in suitable sanitary receptacles designed to be reasonably dust-tight and moistureproof and shall be available for the use of all persons employed at the mine. In addition to the material in the cases, splints, blankets, properly constructed stretchers, and medical oxygen, all in good condition, shall be provided in a strategic place in the mine.

(B) When a potentially serious injury occurs underground, the injured person shall be brought to the surface without unnecessary delay. Prompt medical attention shall be provided in the event of any injury, and adequate facilities shall be made available for transporting injured persons to a hospital where necessary.

*(Formerly: Acts 1955, c.168, s.93.) As amended by Acts 1979, P.L.231, SEC.28.*

#### **IC 22-10-11-11 Repealed**

*(Repealed by P.L.243-1987, SEC.14.)*

#### **IC 22-10-11-12**

##### **Repealed**

*(Repealed by P.L.243-1987, SEC.14.)*

#### **IC 22-10-11-13**

##### **Wash rooms or houses; shower baths; ventilation**

Sec. 13. (a) For the protection of the health of employes, the operator, lessee, superintendent of, or other person in charge of every

coal mine or colliery, or other place where laborers employed are surrounded by or affected by similar conditions as employees in coal mines, at the request in writing of twenty (20) or more employees of such mine or place, or in event there are less than twenty (20) men employed, then upon the written request of one-third (1/3) of the number of employees employed, shall provide a suitable wash room or wash house for the use of persons employed, so that they may change their clothing before beginning work and wash themselves and change their clothing after working.

(b) The building or room shall be a separate building or room from the engine or boiler room, and shall be maintained in good order, be properly lighted and heated, and be supplied with clean cold and warm water, and shall be provided with all necessary facilities for persons to wash, and also provided with suitable lockers for the safe keeping of clothing; however, the owner, operator, lessee, superintendent of, or other person in charge of such mine or place need not furnish soap or towels.

(c) The operator, lessee, superintendent or other person in charge of a mine may provide suitable hangers or baskets in lieu of lockers on which to place their clothing in wash houses, which hanger or basket shall be so arranged with pulley and chain as to permit the clothes to be elevated out of reach and securely fastened. Said hangers or baskets shall be so spaced that the distance between each shall not be less than three and one-half (3 1/2) feet from center to center of said hanger or basket.

(d) The operator, lessee, superintendent or other person in charge of such mine or place shall furnish a shower bath for every fifteen (15) men washing in said wash house. The floor space for the men to dress shall not be less than ten (10) square feet per man washing, or using the building.

(e) Ventilation of wash house shall be so provided as to permit the vapors and fumes thereof to readily escape. Such wash houses, when in use, shall be fumigated once each week, or oftener if necessary. *(Formerly: Acts 1955, c.168, s.96.) As amended by Acts 1978, P.L.2, SEC.2237.*

#### **IC 22-10-11-14**

##### **Child labor**

Sec. 14. No person under the age of eighteen (18) years may enter any mine for the purpose of employment. A parent or guardian of each person seeking employment must furnish an affidavit as to the age of that person when there is any doubt in regard to his age. The operator of any mine shall see that the provisions of this section are complied with.

*(Formerly: Acts 1955, c.168, s.97; Acts 1975, P.L.235, SEC.6.) As amended by Acts 1979, P.L.231, SEC.29.*

#### **IC 22-10-11-15**

##### **Repealed**

*(Repealed by P.L.243-1987, SEC.14.)*

#### **IC 22-10-11-16**

##### **Liens for wages; collection; priorities; recording**

Sec. 16. (a) The miners and other persons employed and working in and about the mines, and others interested in the rental or royalty on the coal mined therein, shall have a lien on said mine and all machinery and fixtures connected therewith, and everything used in and about the mine for work and labor performed within two (2) months, and for royalty on the coal mined for any length of time not exceeding two (2) months; and such liens shall be paramount to, and have priority over all other liens, except the liens of the state taxes; and such liens shall have priority, as against each other, in the order in which they accrued, and for labor over that for royalty on coal.

(b) Any person to acquire such lien, shall file in the recorder's office of the county where the mine is situated, within sixty (60) days from the time the payment became due, a notice of his intention to hold a lien upon such property for the amount of his claim, stating in such notice the amount of his claim, and the name of the coal works, if known, or any other designation describing the location of said mine; and the recorder shall record the said notice, when presented, in a book used for recording mechanics' liens, for which the recorder shall receive the fee set forth in IC 36-2-7-10.

(c) Suits brought to enforce any lien herein created shall be brought within one (1) year from the date of filing same, in the recorder's office; and all judgment rendered on the foreclosure of such liens shall include the amount of the claim found to be due with the interest on same from the time due and with a reasonable attorney's fee, the judgment to be collected without relief from valuation, appraisal or stay laws.

*(Formerly: Acts 1955, c.168, s.99.) As amended by P.L.5-1988, SEC.118.*

#### **IC 22-10-11-17**

##### **Repealed**

*(Repealed by P.L.243-1987, SEC.14.)*

#### **IC 22-10-11-18**

##### **Worker's compensation; construction of act**

Sec. 18. IC 22-10-1.5 through IC 22-10-11 shall not be construed as repealing or in any wise affecting the operation of IC 22-3-2 through IC 22-3-6 applicable to the coal mines of the state of Indiana.  
*(Formerly: Acts 1955, c.168, s.101.) As amended by P.L.144-1986, SEC.192.*

#### **IC 22-10-11-19**

##### **Violations**

Sec. 19. A person who knowingly violates this article commits a Class B misdemeanor.

*(Formerly: Acts 1955, c.168, s.103.) As amended by Acts 1978, P.L.2, SEC.2238; P.L.112-1992, SEC.11.*

**IC 22-10-11-20****Appropriations**

Sec. 20. For the purpose of carrying out IC 22-10-1.5 through IC 22-10-11, the necessary money is to be appropriated by the biennial budget act.

*(Formerly: Acts 1955, c.168, s.104.) As amended by P.L.144-1986, SEC.193.*

**IC 22-10-11-21****Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2251.)*